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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ernst Reder et al.

Examiner: Benjamin M. Kurtz

Serial No: 10/520,733

Group Art Unit: 1723

Filed: January 10, 2005

Date: October 18, 2010

For: **FILTER CARTRIDGE**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF FOR APPELLANTS

Appellants have appealed the Final Rejection of June 7, 2010. Please consider this Appeal Brief filed in accordance with 37 CFR § 41.37.

REAL PARTY IN INTEREST

By virtue of an Assignment dated December 21, 2004, by the named inventors, the real party in interest is BRITA GmbH, having a business address of Heinrich-Hertz-Strasse 4, Taunusstein, Germany 65232. The Assignment has been recorded in the U.S. Patent and Trademark Office on January 10, 2005 at Reel 017193 and Frame 0215.

RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences or judicial proceedings known to the Appellants, Appellants' legal representative or Assignee which will affect or have bearing on the Board's decision concerning this appeal.

STATUS OF CLAIMS

Claims 1-10 and 15-28 are pending in the application. Claims 11-14 and 29 have been cancelled. Claims 1-10, 15-19, 21 and 25-28 have been rejected. Claims 20, 23 and 24 have been allowed. Claim 22 has been objected to, but would be allowable if

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rewritten in independent form and to include all the limitations of the base claim and any intervening claims. Rejected claims 1-10, 15-19, 21, 25-28 are being appealed.

STATUS OF AMENDMENTS

Appellants' Amendment "K" filed April 29, 2010 filed prior to the Final Office Action was acknowledged in the Final Office Action mailed June 7, 2010. There have been no amendments filed after the Final Rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 claims a filter cartridge 1; see Fig. 1, with a filter material comprising a cartridge container with a bottom wall 2 and a peripheral wall 3 and a lid 10 which durably shuts the cartridge container, see page 1, lines 3-6. The lid is comprised of a lid bottom and a strip-shaped lateral wall, see page 1, line 5 and Figs. 1, 2a, 2b and 3 wherein reference number 11 designates lid bottom and reference number 16 indicates the lateral wall. The lateral wall has a length measured parallel to the peripheral wall, see page 9, lines 9-10, and a linear vertical cross-section, as shown in at least Figs. 2a, 2b and 4, along the entire length of the lateral wall. The lateral wall is fitted at the inner side of the peripheral wall, see page 14, lines 7-8 and Figs. 1, 2a, 2b, 3 and 4. The lateral wall is in contact with the peripheral wall along the entire length of the lateral wall, as clearly illustrated in Figs. 2a, 2b, 3 and 4 as well as last full amended paragraph on page 11. The lid bottom merges with the lateral wall in the direction of the peripheral wall along a first end of an inward curved edge section 14, see page 4, lines 1-4, page 8, line 14, and Figs. 1, 2a, 2b, 3 and 4. The first end of the curved edge section and the lateral wall join in a common wall section 15, tapering inwards, in a forming region, see page 4, lines 3-4, and Figs. 1, 2a, 2b, 3 and 4. A lower end 18 of the common wall section is parallel to the cartridge container peripheral wall adjacent thereto, see page 4, lines 5-12 and Figs. 1, 2a, 2b and 4. The lateral wall has an upper wall section 17, see page 9, lines 1-10, and Figs. 2a, 2b and 4 which is connected to and extends upward from the common wall section that is parallel to the common wall section lower end and the cartridge container peripheral wall adjacent thereto, see page 7, lines 11-18, page 9, lines 8-10, and Figs. 2a, 2b and 4. Glue or a weld connecting at least one section of the common wall section to the peripheral wall was disclosed in original claims 13 and 14 as well as page 7, second full paragraph. The curved edge

section having a second end that merges into an essentially horizontal lid bottom middle section is disclosed on at least page 5, last full paragraph, page 8, last full paragraph and page 9, first and last full paragraphs.

Independent claim 25 claims a filter cartridge 1, see Fig. 1, with a filter material comprising a cartridge container with a bottom wall 2 and a peripheral wall 3 and a lid 10 which durably shuts the cartridge container, see page 1, lines 3-6. The lid is comprised of a lid bottom and a strip-shaped lateral wall, see page 1, line 5 and Figs. 1, 2a, 2b and 3 wherein reference number 11 designates lid bottom and reference number 16 indicates the lateral wall. The lateral wall has a length measured parallel to the peripheral wall, see page 9, lines 9-10, and a linear vertical cross-section as shown in at least Figs. 2a, 2b and 4 along the entire length of the lateral wall, see also page 14, lines 6-7. The lateral wall is fitted at the inner side of the peripheral wall, see page 14, lines 7-8, and Figs. 1, 2a, 2b, 3 and 4. The lateral wall is in contact with the peripheral wall along the entire length of the lateral wall, as clearly illustrated in Figs. 2a, 2b, 3 and 4 as well as last full amended paragraph on page 11. The lid bottom merges with the lateral wall in the direction of the peripheral wall along a first end of an inward curved edge section 14, see page 4, lines 1-4, page 8, line 14, the first full paragraph on page 9, and Figs. 1, 2a, 2b, 3 and 4. The first end of the curved edge section and the lateral wall join in a common wall section 15, tapering inwards, in a forming region, see page 4, lines 3-4, and Figs. 1, 2a, 2b, 3 and 4. A lower end 18 of the common wall section is parallel to the cartridge container peripheral wall adjacent thereto, see page 4, lines 5-12 and Figs. 1, 2a, 2b and 4. The lateral wall has an upper wall section 17, see page 9, lines 1-10, and Figs. 2a, 2b and 4 which is connected to and extends upward from the common wall section that is parallel to the common wall section lower end and the cartridge container peripheral wall adjacent thereto, see page 7, lines 11-18, page 9, lines 8-10, and Figs. 2a, 2b and 4. In vertical cross-section, the lateral wall is a linear tangent line, see page 5, lines 1-4 and Figs. 2a, 2b and 4. The lateral wall is connected to the curved edge section tangentially, see page 5, lines 1-7 and Figs. 2a, 2b and 4. Glue or a weld connecting at least one section of the common wall section to the peripheral wall was disclosed in original claims 13 and 14 as well as page 7, second full paragraph. The curved edge section having a second end that merges into an

essentially horizontal lid bottom middle section is disclosed on at least page 5, last full paragraph, page 8, last full paragraph and page 9, first and last full paragraphs.

Independent claim 26 claims a filter cartridge 1, see Fig. 1, with a filter material comprising a cartridge container with a bottom wall 2 and a peripheral wall 3 and a lid 10 which shuts the cartridge container, see page 1, lines 3-6. The lid is comprised of a lid bottom and a strip-shaped lateral wall, see page 1, line 5 and Figs. 1, 2a, 2b and 3 wherein reference number 11 designates lid bottom and reference number 16 indicates the lateral wall. The lateral wall has a length measured parallel to the peripheral wall, see page 9, lines 9-10, and a linear vertical cross-section as shown in at least Figs. 2a, 2b and 4 along the entire length of the lateral wall. The lateral wall is fitted at the inner side of the peripheral wall, see page 14, lines 7-8, and Figs. 1, 2a, 2b, 3 and 4. The lateral wall is in contact with the peripheral wall along the entire length of the lateral wall, as clearly illustrated in Figs. 2a, 2b, 3 and 4 as well as last full amended paragraph on page 11. The lid bottom merges with the lateral wall in the direction of the peripheral wall along an inward curved edge section 14, see page 4, lines 1-4, page 8, line 14, and Figs. 1, 2a, 2b, 3 and 4. The curved edge section and the lateral wall join in a common wall section 15, tapering inwards, in a forming region, see page 4, lines 3-4, and Figs. 1, 2a, 2b, 3 and 4. A lower end 18 of the common wall section is parallel to the cartridge container peripheral wall adjacent thereto, see page 4, lines 5-12 and Figs. 1, 2a, 2b and 4. The lateral wall has an upper wall section 17, see page 9, lines 1-10, and Figs. 2a, 2b and 4 which is connected to and extends upward from the common wall section that is parallel to the common wall section lower end and the cartridge container peripheral wall adjacent thereto, see page 7, lines 11-18, page 9, lines 8-10, and Figs. 2a, 2b and 4. The curved edge section consists of a single curved portion having a radius of curvature R, see page 9, third full paragraph which states that the curved section 14 is characterized by the curvature radius R and Figs. 2a, 2b, 3 and 4. Glue or a weld connecting at least one section of the common wall section to the peripheral wall was disclosed in original claims 13 and 14 as well as page 7, second full paragraph. The curved edge section having an essentially vertical section at one end in an area of the common wall and immediately merges into an essentially horizontal lid bottom middle section at a second end is disclosed on at least page 5 last full paragraph page